

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204
Baltimore County, Maryland

In the Matter of

Civil Citation No. 70054

David M. Woodward
Barbara T. Woodward

335 Highfalcon Road

Respondents

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on March 3, 2010 for a Hearing on a citation for violations under the Baltimore County Zoning Regulations (BCZR) section 428, failure to remove or tag (2) vehicles in the driveway on residential property known as 335 Highfalcon Road, 21136.

On February 19, 2010, pursuant to Baltimore County Code §3-6-205, Inspector David Kirby issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$2,000.00 (two thousand dollars).

The following persons appeared for the Hearing and testified: Barbara Woodward, Respondent and, David Kirby, Baltimore County Code Enforcement Officer.

After proper consideration of all the evidence and testimony presented, the Hearing Officer finds:

A. A Final Order dated December 7, 2009 enforced a Citation for untagged/inoperative motor vehicles parked on this residential property, and ordered a \$500.00 civil penalty that could be rescinded if the violations were corrected by January 15, 2010. The violations were not corrected, and the civil penalty was imposed. This Citation was issued on February 19, 2010.

B. Photographs in the file show there are still two untagged vehicles at this property, a blue Chevrolet sedan with no tags and a gray sedan with expired tags.

C. County zoning regulations prohibit the outside storage of inoperative motor vehicles on a residential lot. BCZR Section 428.1(A). The outside storage of unlicensed motor vehicles is also prohibited, except for one vehicle per dwelling unit for a period not exceeding 15 days in any calendar year. Section 428.1(B). Respondents have exceeded this limitation. Respondents must put valid tags on the vehicles and make them operable, or remove them from the property.

D. Respondent Barbara Woodward appeared for this Hearing and testified that her husband is still in poor health and that the cars belong to her son and grandson. She is the only one working and cannot afford to insure and tag the vehicles herself. They are attempting to sell or move the vehicles, but the snowstorms made this difficult. She believes the violations can be corrected by early April.

E. This Final Order will give Respondents one more opportunity to correct this zoning violation without substantial civil penalty, and will rescind the previously imposed penalty. If the violation is not corrected within the time provided below, the civil penalty will be imposed and the County will be authorized to remove the untagged vehicles, at Respondents' expense.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$400.00 (four hundred dollars).

IT IS FURTHER ORDERED that this civil penalty will be RESCINDED and reduced to zero dollars if the violation is corrected by April 12, 2010.

IT IS FURTHER ORDERED that the \$500.00 civil penalty previously imposed and billed to Respondents on January 22, 2010 is RESCINDED and reduced to zero dollars.

IT IS FURTHER ORDERED that after April 12, 2010, the County may enter the property for the purpose of removing the untagged vehicles, at Respondents' expense.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty AND any expenses incurred by Baltimore County, as authorized above, shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 16th day of March 2010

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer

NOTICE TO RESPONDENT: The Respondent is advised that (1) pursuant to §3-6-206(g)(2) of the Baltimore County Code, the Respondent may make written application to the Director of the Department of Permits & Development Management within 10 days to modify or amend this order and (2) pursuant to §3-6-301(a), Baltimore County Code, the Respondent may appeal this order to the Baltimore County Board of Appeals within fifteen (15) days from the date of this order; any such appeal requires the filing of a petition setting forth the grounds for appeal, payment of a filing fee of \$150 and the posting of security to satisfy the penalty assessed.

